

Gator Sports Inc. and its workers' compensation insurance carrier, Workers' Compensation Fund (jointly referred to as "Gator") ask the Utah Labor Commission to amend that part of Administrative Law Judge George's decision addressing R.S.C.'Ss right to future medical treatment under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. C. claims workers' compensation benefits for an injury suffered while working for Gator on April 4, 1996. Judge George referred the medical aspects of Mr. C.'S claim to a medical panel. On September 6, 2001, the panel issued its report, which included a detailed assessment of the future medical care Mr. C. would need to treat his work injury.

In a decision issued December 19, 2003, Judge George adopted the panel's findings. However, in the "Order" portion of his decision, Judge George addressed Mr. C.'S right to future medical treatment only by stating that Gator must pay "all reasonable and necessary medical expenses" for Mr. C.'S cervical spine and right knee injury.

Gator's motion for review raises the sole question of whether Mr. C.'S right to future medical care should be limited in the manner stated by the medical panel.

DISCUSSION

While the Commission recognizes the medical panel's opinion regarding future medical care as useful guidance to the parties, the Commission does not view such opinion as conclusive. Any future dispute regarding the necessity of future medical care must be resolved according to the facts and medical opinion in existence at that time. Consequently, the Commission agrees with Judge George's approach in this matter, which establishes Gator's continuing obligation to provide medical care necessary to treat Mr. C.'S work injury, but does not attempt to define in advance the limits of such future medical care.

ORDER

The Commission affirms Judge George's decision and denies Gator's motion for review. It is so ordered.

Dated this 15th day of June, 2004.

R. Lee Ellertson, Commissioner